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In re Application of
Theodore W. Walter, et al.
Application No. 10/801,494
Filed: March 15, 2004
Attorney Docket No. 018684-001312US

OFFICE OF PETITIONS

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Receipt is acknowledged of the Application Data Sheet filed August 3, 2004, with the instant petition.

Telephone inquiries concerning this matter may be directed to Retta Williams at (703) 306-5594.

This matter is being referred to the Office of Initial Patent Examination for consideration of the Notice to File Missing Parts.


Frances Hicks

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy